

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

DALE WILLIAM GILLEY, JR.,)
Petitioner,)
v.) Case No. 5:23-cv-01593-RDP-HNJ
WARDEN JOSEPH HEADLEY, et al.,)
Respondents.)

MEMORANDUM OPINION

The Magistrate Judge entered a Report and Recommendation (Doc. 15) on April 15, 2024, recommending the court dismiss without prejudice Petitioner Dale William Gilley Jr.'s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) because this court lacks subject matter jurisdiction over Petitioner's request for discovery. No objections have been filed.

After careful consideration of the record in this case and the Magistrate Judge's Report and Recommendation, the court **ADOPTS** the Report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court finds that Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is due to be dismissed without prejudice. A final judgment will be entered.

DONE and **ORDERED** this May 23, 2024.


R. DAVID PROCTOR
CHIEF U.S. DISTRICT JUDGE